

1635  
Boxsey  
JKW

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kahn et al. Art Unit : 1635  
Serial No. : 10/074,694 Examiner : Jane J. Zara  
Filed : February 12, 2002  
Title : MODULATING THE RAD-NM23 INTERACTION

**Mail Stop Sequence**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE AND/OR AMINO ACID SEQUENCES

In response to the communication dated June 6, 2005 (copy enclosed), applicants submit herewith a Sequence Listing in computer readable form as required by 37 CFR §1.824. In addition, applicants submit an initial Sequence Listing as required under 37 CFR §1.823(a). This sequence listing was inadvertently omitted from the submission filed on April 5, 2005.

Applicants respectfully request entry of the paper copy and computer readable copy of the Sequence Listing filed herewith for the instant application. Furthermore, applicants request that the paper copy of the Sequence Listing be inserted into the specification following the Abstract.

I hereby state that the content of the paper and computer-readable copies of the Sequence Listing, submitted in accordance with 37 CFR §§1.821 (f) and (g), respectively, are the same.

Furthermore, the sequence listing contains no new matter; SEQ ID NO:1, the Rad polypeptide sequence, is shown in Figure 1 of Zhu et al., 1995, JBC 270:4805-4812, at page 4807. SEQ ID NOs:2 (nm23H1 nucleotide) and 3 (nm23H1 polypeptide) are described in Figure 4 of Steeg et al., 1988, J. Natl. Cancer Inst. 80: 200-204. SEQ ID NOs: 4 (nm23H2

## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

June 27, 2005  
Date of Deposit  
Scott Barrett  
Signature  
Scott Barrett  
Typed or Printed Name of Person Signing Certificate

Applicant : Kahn et al.  
Serial No. : 10/074,694  
Filed : February 12, 2002  
Page : 2 of 2

Attorney's Docket No.: 10276-017002 / JDP-031 Con

nucleotide) and 5 (nm23H2 polypeptide)) are described in Figure 1 of Stahl et al., 1991, Cancer Res 51:445-449. Please note that the codon "tgg" (nts 487-489 of SEQ ID NO:2), which corresponds to amino acid 163 of SEQ ID NO:3, was mistranslated in Figure 4 of the Steeg et al. reference as Tyr; the correct translation of codon "tgg" is Trp. The correct translation is included in SEQ ID NO:3.

Applicants enclose a declaration, executed by the undersigned practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the present application. See MPEP §608.01(p)(I)(A)(2), and In re Hawkins, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); In re Hawkins, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); In re Hawkins, 486 F.2d 577, 179 USPQ 167 (CCPA 1973). Applicants submit that, under MPEP §2163.07(b), this amendment does not introduce any new matter and removes the incorporation by reference objected to by the Examiner.

No fee is believed to be due. Please apply any charges to Deposit Account No. 06-1050, referencing attorney docket number 10276-017002.

Respectfully submitted,

Date: 6/27/2005

  
\_\_\_\_\_  
Janice L. Kugler  
Reg. No. 50,429

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906



O P E  
JUN 29 2005  
P A T E N T & T R A D E M A R K O F F I C E

UNITED STATES PATENT AND TRADEMARK OFFICE

PLW  
UBL  
JLK  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,694	02/12/2002	C. Ronald Kahn	10276-017002 / JDP-031 Co	1080
26161	7590	06/06/2005		EXAMINER
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110				ZARA, JANE J
			ART UNIT	PAPER NUMBER
				1635
				DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Docketed By Practice Systems
Action Code: <u>Seg Lit (1mo)</u>
Base Date: <u>6-6-5</u>
Due Date: <u>7-6-5</u>
Deadline: <u>12-6-5</u>
Initial: <u>WAS</u>

RECEIVED

JUN 08 2005

FISH & RICHARDSON, P.C.  
BOSTON OFFICE

Docketed By Billing Secretary
Due Date:
Deadline:
Initials: <u>CaO</u>



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT PAPER

20050531

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Please see attached.

Art Unit: 1635

***Attachment***

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR §§ 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. No CRF or paper copies providing the sequences for disclosed SEQ ID Nos. have been filed with the instant (or related parent) application.

**APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR §§ 1.821 - 1.825.**  
Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR §1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

***1. Electronically submitted through EFS-Bio***

(<<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>>>, EFS Submission User Manual - ePAVE)

2. Mailed to:                   3. Mailed by Federal Express, United Parcel Service or other delivery service to:

Mail Stop Sequence  
Commissioner for Patents  
P.O. Box 22313-1450  
Alexandria, VA 22313-1450

U. S. Patent and Trademark Office  
Box Sequence, Room 1B03-Mailroom  
Crystal Plaza Two  
220 20<sup>th</sup> Street S.  
Arlington, Virginia 22202

4. Hand Carried directly to the Customer Window at:  
**U. S. Patent and Trademark Office**  
**Box Sequence, Customer Window, Lobby, Room 1B03**  
**Crystal Plaza Two**

Art Unit: 1635

**220 20<sup>th</sup> Street S.  
Arlington, Virginia 22202**

Certain papers related to this application may be submitted to Art Unit 1635 by facsimile transmission. The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. 1.6(d)). The official fax telephone number for the Group is **703-872-9306**. NOTE: If Applicant *does* submit a paper by fax, the original signed copy should be retained by applicant or applicant's representative. **NO DUPLICATE COPIES SHOULD BE SUBMITTED** so as to avoid the processing of duplicate papers in the Office.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jane Zara** whose telephone number is **(571) 272-0765**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John LeGuyader, can be reached on (571) 272-0760. Any inquiry regarding this application should be directed to the patent analyst, Katrina Turner, whose telephone number is (571) 272-0564. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

Art Unit: 1635

Any questions regarding compliance with the sequence rules requirements specifically should be directed to the departments listed at the bottom of the Notice To Comply.

Any inquiry of a general nature or relating to the status of this application, or requests to supply missing elements from Office communications, should be directed to the Group receptionist whose telephone number is (571) 272-1600.

JZ

5-31-05

JZ TC 1600

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):



1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
7. Other: \_\_\_\_\_

**Applicant Must Provide:**

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support (SIRA)

Technical Assistance..... 703-287-0200

To Purchase PatentIn Software..... 703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**

**BEST AVAILABLE COPY**